

OPEN MEETING ITEM



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BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

2015 AUG 14 P 2:01

SUSAN BITTER SMITH

Chairman

BOB STUMP

Commissioner

BOB BURNS

Commissioner

DOUG LITTLE

Commissioner

TOM FORESE

Commissioner

AZ CORP COMMISSION
DOCKET CONTROL

ORIGINAL

Arizona Corporation Commission
DOCKETED

AUG 14 2015

DOCKETED BY

DOCKET NO. C-00000A-15-0118

IN THE MATTER OF THE COMMISSION
ON ITS OWN MOTION INVESTIGATING
THE FAILURE OF NUMEROUS UTILITIES
TO FILE ANNUAL REPORTS FOR
CALENDAR YEAR 2013

**NOTICE OF FILING AMENDED
COMPLAINT AND PETITION FOR
AN ORDER TO SHOW CAUSE**

On April 28, 2015, Utilities Division Staff ("Staff") of the Arizona Corporation Commission filed a Complaint and Petition for an Order to Show Cause against numerous utilities who have failed to file their Utilities Division Annual Report for calendar year 2013.

Following the filing of this complaint, various utilities worked with Staff to resolve the issues raised in this matter. As such, Staff amends its April 28th Complaint and Petition for Order to Show Cause to include only those utilities that remain in violation of Arizona Revised Statute §§40-202, 40-204, 40-425, 40-426, and Arizona Administrative Code R14-2-411.D.4, R14-2-510.G.4, R14-2-907.A., R14-2-1011.A., and R14-2-1115.F.

Staff hereby provides Notice of Filing of the attached Amended Complaint and Petition for an Order to Show Cause and Staff proposed Recommended Opinion and Order.

RESPECTFULLY SUBMITTED this 14th day of August, 2015.

Brian E. Smith
Attorney, Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

1 The original and thirteen (13) copies
2 of the foregoing were filed this
3 14th day of August, 2015 with:

4 Docket Control
5 Arizona Corporation Commission
6 1200 West Washington Street
7 Phoenix, Arizona 85007

8 Copy of the foregoing mailed this
9 14th day of August, 2015 to:

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SERVICE LIST FOR: Various Regulated Utility Companies
DOCKET NO. C-00000A-15-0118

A. C. Ruebush dba Concho Water Supply
c/o Porfie Padilla
PO Box 252
Concho, Arizona 85924

Charles Bellows dba J B Payphones
4630 First North Avenue
PO Box 573
Joseph City, Arizona 86032

American Cyber Corporation dba Discount
Plus
107 West Michigan, 4th Floor
Kalazamoo, Michigan 49007

Copper Rim Utility Company, Inc.
HC 02 Box 1363
Globe, Arizona 85501

American Technologies, Inc. dba Network
Utilization Services
PO Box 990-165
Boston, Massachusetts 02199

Coronado Water Company
3900 East Camelback Road, Suite 106 S
Phoenix, Arizona 85018

Anderson Water Company, Inc.
PO Box 31087
Tucson, Arizona 85751

Crown King Water Company, Inc.
4918 West Park View Lane
Glendale, Arizona 85310

Bachmann Springs Utility Company
PO Box 9
Tombstone, Arizona 85638

CVC CLEC, LLC
5909 NW Expressway, Suite 101
Oklahoma City, Oklahoma 73132

Baldwin County Internet/DSSI Service, L.L.C.
1240 Commerce Drive, Suite A
Gulf Shores, Alabama 36542

EMC Telecom Corporation
2533 North Carson Street, Suite 125
Carson, Nevada 89706

Beaver Valley Water Company, Inc.
PO Box 421
Payson, Arizona 85547

Go Solo Technologies, Inc.
5410 Mariner Street, Suite 175
Tampa, Florida 33609

Bellemont Water Co.
PO Box 31176
Flagstaff, Arizona 86003

Hillcrest Water Company
915 East Bethany Home Road
Phoenix, Arizona 85014

Chas I. Creed dba Hunt Valley Water
Company
303 West Stella Lane
Phoenix, Arizona 85013

Inmate Communications Corporation
1640 South Sepulveda Boulevard, Suite 207
Los Angeles, California 90025-7586

Candace Adair dba Adair Communications
4218 West Flower Street
Phoenix, Arizona 85019-4135

Juniper Wells Water Company
300 North Lynx Creek Road
Prescott, Arizona 86306

Kacy Parker dba Arroyo Water, Co.
1400 North Beeline Highway
Payson, Arizona 85541

1	LDC Enterprises, Inc. dba Full Serv Gas	Teledata Solutions, Inc.
2	2100 West Acoma	1767 Route 22 West
3	Lake Havasu City, Arizona 86403	Union, New Jersey 07083
4	LDC Telecommunications, Inc.	Teletrust, Inc.
5	2451 McMullen Booth Road, Suite 200	419 South Walnut
6	Clearwater, Florida 33759	Sherman, Texas 75090
7	Legacy Long Distance International, Inc.	Tubac Water Company, Inc.
8	c/o Rueben Quinonescastro	c/o John Crowley
9	10833 Valley View Street, Suite 150	1444 Wazee Street, Suite 350
10	Cypress, California 90630	Denver, Colorado 80202
11	Mohawk Utility Company	United American Technology, Inc.
12	36140 Antelope Drive	1427 Fretz Drive
13	Wellton, Arizona 85356	Edmond, Oklahoma 73003
14	Morristown Water Company	Uni-Tel Communications Group, Inc.
15	c/o Jim Konin, Acting President	PO Box 1000
16	PO Box 156	Naperville, Illinois 60563
17	Morristown, Arizona 85342	William P. Farr dba Salome Water Company
18	OLS, Inc.	PO Box 550
19	217 Roswell Street, Suite 100	Salome, Arizona 85348
20	Alpharetta, Georgia 30069	Willow Lakes Property Owners Association,
21	Pacific Communications, LLC	Inc.
22	575 Anton Boulevard, Suite 900	PO Box 875
23	Costa Mesa, California 92626	Benson, Arizona 85602
24	Salty Dawg, Inc. dba 5 & Diner	Yak America, Inc.
25	4520 North Stone Avenue	PO Box 414629
26	Tucson, Arizona 85705	Miami Beach, Florida 33141
27	SNIP Link, LLC	Mr. Thomas M. Broderick
28	100-A Twinbridge Drive	Director, Utilities Division
29	Pennsauken, New Jersey 08110	Arizona Corporation Commission
30	Strawberry Water Company	1200 West Washington Street
31	HC 1 Box 817	Phoenix, Arizona 85007
32	Pine, Arizona 85544-9719	Ms. Janice M. Alward
33	T.N.C., Inc.	Chief Counsel, Legal Division
34	5408 North 99 th Street, Suite C	Arizona Corporation Commission
35	Omaha, Nebraska 68134	1200 West Washington Street
36	TCAST Communications, Inc.	Phoenix, Arizona 85007
37	24251 Town Center Drive, 2 nd Floor	
38	Valencia, California 91355	

1 Mr. Dwight Nodes
2 Chief Administrative Law Judge, Hearing
3 Division
4 Arizona Corporation Commission
5 1200 West Washington Street
6 Phoenix, AZ 85007
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1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 SUSAN BITTER SMITH

3 Chairman

4 BOB STUMP

Commissioner

5 BOB BURNS

Commissioner

6 DOUG LITTLE

Commissioner

7 TOM FORESE

Commissioner

8 IN THE MATTER OF THE COMMISSION)
9 ON ITS OWN MOTION INVESTIGATING
10 THE FAILURE OF NUMEROUS UTILITIES
11 TO FILE ANNUAL REPORTS FOR
12 CALENDAR YEAR 2013

DOCKET NO. C-00000A-15-0118

**AMENDED COMPLAINT AND
PETITION FOR AN ORDER TO
SHOW CAUSE**

13
14
15 The Utilities Division ("Staff") of the Arizona Corporation Commission ("Commission")
16 hereby brings this Amended Complaint and Petition for an Order to Show Cause against the
17 following Respondents:

DOCKET NO.	COMPANY NAME
W-01913A	A.C. Ruebush dba Concho Water Supply
T-02890A	American Cyber Corporation dba Discount Plus
T-03227A	Americom Technologies, Inc. dba Network Utilization Services
W-02473A	Anderson Water Company, Inc.
WS-03953A	Bachmann Springs Utility Company
T-20544A	Baldwin County Internet/DSSI Service, L.L.C.
W-02015A	Beaver Valley Water Company, Inc.
W-02526A	Bellemont Water Co.
W-01874A	Chas I. Creed dba Hunt Valley Water Company
T-03014A	Candace Adair dba Adair Communications
T-04233A	Charles Bellows dba J B Payphones

1	W-02279A	Copper Rim Utility Company, Inc.
2	W-02085A	Coronado Water Company
3	W-01558A	Crown King Water Company, Inc.
4	T-20646A	CVC CLEC, LLC
5	T-20615A	EMC Telecom Corporation
6	T-02774A	Go Solo Technologies, Inc.
7	W-02128A	Hillcrest Water Company
8	T-02814A	Inmate Communications Corporation
9	W-02651A	Juniper Wells Water Company
10	W-04286A	Kacy Parker dba Arroyo Water, Co.
11	T-04222A	LDC Enterprises, Inc. dba Full Serv Gas
12	T-03132A	LDC Telecommunications, Inc.
13	T-03669A	Legacy Long Distance International, Inc.
14	W-02341A	Mohawk Utility Company
15	W-02164A	Morristown Water Company
16	T-03651A	OLS, Inc.
17	-04021A	Pacific Communications, LLC
18	T-03435A	Salty Dawg, Inc. dba 5 & Diner
19	T-03984A	SNIP Link, LLC
20	W-01407A	Strawberry Water Company
21	T-04213A	T.N.C., Inc.
22	T-03949A	TCAST Communications, Inc.
23	T-04234A	Teledata Solutions, Inc.
24	T-03363A	Teletrust, Inc.
25	W-02419A	Tubac Water Company, Inc.
26	T-04261A	United American Technology, Inc.
27	T-03599A	Uni-Tel Communications Group, Inc.
28	W-01084A	William P. Farr dba Salome Water Company
	W-02173A	Willow Lakes Property Owners Association, Inc.
	T-04156A	Yak America, Inc.

Staff, for its Amended Complaint, alleges as follows:

I

The Commission is an agency of the State of Arizona, existing by virtue of Article 15 of the Arizona Constitution.

II

Respondents are public service corporations as defined by Article 15, Section 2 of the Arizona Constitution, and were issued Certificates of Convenience and Necessity in accordance with Arizona Revised Statutes ("A.R.S") §40-281.

III

As public service corporations, Respondents are subject to the jurisdiction of the Commission with regard to the matters herein alleged.

IV

This Amended Complaint is initiated and authorized pursuant to A.R.S. §§40-202, 40-204, 40-425, 40-426, and Arizona Administrative Code ("A.A.C.") R14-2-411.D.4, R14-2-510.G.4, R14-2-907.A., R14-2-1011.A., and R14-2-1115.F.

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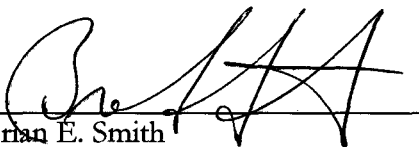
Investigation by Staff reveals that Respondents have violated Arizona statutes and Commission rules. Staff alleges the following in support of this claim:

- A. Pursuant to A.R.S. §40-204 and A.A.C. R14-2-411.D.4, R14-2-510.G.4, R14-2-907.A., R14-2-1011.A., and R14-2-1115.F., all public service corporations in Arizona are required to file an annual report on or before April 15 of each year.
- B. Despite repeated attempts by the Staff to persuade Respondents to file such reports, Respondents have failed to do so for calendar year 2013 and are thus in violation of A.R.S. §40-204 and A.A.C. R14-2-411.D.4, R14-2-510.G.4, R14-2-907.A., R14-2-1011.A., and R14-2-1115.F.
- C. Pursuant to A.R.S. §40-204, Respondents are in contempt of the Commission for their failure to comply with the aforementioned rules and requirements of the Commission.

VI

The violations of Respondents to the aforementioned rules and requirements, as alleged herein, constitute grounds to assess a civil penalty against Respondents pursuant to Arizona Revised Statutes Sections §§40-424 and 40-425, in an amount not less than \$100 nor more than \$5,000 for each violation, and/or revoke respondents certificate of convenience and necessity.

RESPECTFULLY SUBMITTED this 14th day of August, 2015.


Brian E. Smith
Attorney, Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

The original and thirteen (13) copies of the foregoing were filed this 14th day of August, 2015 with:

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 SUSAN BITTER SMITH

3 Chairman

4 BOB STUMP

Commissioner

5 BOB BURNS

Commissioner

6 DOUG LITTLE

Commissioner

7 TOM FORESE

Commissioner

8 IN THE MATTER OF THE COMMISSION)
9 ON ITS OWN MOTION INVESTIGATING)
10 THE FAILURE OF NUMEROUS UTILITIES)
11 TO FILE ANNUAL REPORTS FOR)
12 CALENDAR YEAR 2013.)

DOCKET NO. C-00000A-15-0118

DECISION NO. _____

ORDER TO SHOW CAUSE

13 Open Meeting
14 September 8 and 9, 2015
15 Phoenix, Arizona

16 BY THE COMMISSION:

17 The Arizona Corporation Commission ("Commission"), hereby issues this Complaint and
18 Order to Show Cause against the following Respondents:

DOCKET NO.	COMPANY NAME
W-01913A	A.C. Ruebush dba Concho Water Supply
T-02890A	American Cyber Corporation dba Discount Plus
T-03227A	American Technologies, Inc. dba Network Utilization Services
W-02473A	Anderson Water Company, Inc.
WS-03953A	Bachmann Springs Utility Company
T-20544A	Baldwin County Internet/DSSI Service, L.L.C.
W-02015A	Beaver Valley Water Company, Inc.
W-02526A	Bellemont Water Co.
W-01874A	Chas I. Creed dba Hunt Valley Water Company
T-03014A	Candace Adair dba Adair Communications

1	T-04233A	Charles Bellows dba J B Payphones
2	W-02279A	Copper Rim Utility Company, Inc.
3	W-02085A	Coronado Water Company
4	W-01558A	Crown King Water Company, Inc.
5	T-20646A	CVC CLEC, LLC
6	T-20615A	EMC Telecom Corporation
7	T-02774A	Go Solo Technologies, Inc.
8	W-02128A	Hillcrest Water Company
9	T-02814A	Inmate Communications Corporation
10	W-02651A	Juniper Wells Water Company
11	W-04286A	Kacy Parker dba Arroyo Water, Co.
12	T-04222A	LDC Enterprises, Inc. dba Full Serv Gas
13	T-03132A	LDC Telecommunications, Inc.
14	T-03669A	Legacy Long Distance International, Inc.
15	W-02341A	Mohawk Utility Company
16	W-02164A	Morristown Water Company
17	T-03651A	OLS, Inc.
18	T-04021A	Pacific Communications, LLC
19	T-03435A	Salty Dawg, Inc. dba 5 & Diner
20	T-03984A	SNIP Link, LLC
21	W-01407A	Strawberry Water Company
22	T-04213A	T.N.C., Inc.
23	T-03949A	TCAST Communications, Inc.
24	T-04234A	Teledata Solutions, Inc.
25	T-03363A	Teletrust, Inc.
26	W-02419A	Tubac Water Company, Inc.
27	T-04261A	United American Technology, Inc.
28	T-03599A	Uni-Tel Communications Group, Inc.
	W-01084A	William P. Farr dba Salome Water Company
	W-02173A	Willow Lakes Property Owners Association, Inc.

T-04156A

Yak America, Inc.

FINDINGS OF FACT

The Commission, for its Complaint, and Order to Show Cause alleges as follows:

1. The Commission is an agency of the State of Arizona, existing by virtue of Article 15 of the Arizona Constitution.

2. Respondents are public service corporations as defined by Article 15, Section 2 of the Arizona Constitution, and were issued Certificates of Convenience and Necessity in accordance with Arizona Revised Statutes § 40-281.

3. As public service corporations, respondents are subject to the jurisdiction of the Commission with regard to the matters herein alleged.

4. This Complaint and Order to Show Cause is initiated and authorized pursuant to Arizona Revised Statutes, §§ 40-202, 40-204, 40-425, 40-426, and Arizona Administrative Code R14-2-411.D.4, R14-2-510.G.4, R14-2-907.A., R14-2-1011.A., and R14-2-1115.F.

5. Investigation by the Commission's Staff ("Staff") reveals and the Commission alleges that Respondents have violated Arizona Revised Statutes and Commission Rules. The Commission alleges the following in support of this claim:

A. Pursuant to Arizona Revised Statutes § 40-204 and Arizona Administrative Code R14-2-411.D.4, R14-2-510.G.4, R14-2-907.A., R14-2-1011.A., and R14-2-1115.F., all public service corporations in Arizona are required to file an annual report on or before April 15 of each year.

B. Despite repeated attempts by the Staff to persuade Respondents to file such reports, Respondents have failed to do so and are thus in violation of Arizona Revised Statutes § 40-204 and Arizona Administrative Code, R14-2-411.D.4, R14-2-510.G.4, R14-2-907.A., R14-2-1011.A., and R14-2-1115.F.

C. Pursuant to Arizona Revised Statutes § 40-204, Respondents are in contempt of the Commission for their failure to comply with the aforementioned rules and requirements of the Commission.

6. The violations of Respondents to the aforementioned rules and requirements, as alleged herein, constitute grounds to assess a civil penalty against Respondents pursuant to Arizona Revised Statutes §§ 40-424 and 40-425, in an amount not less than \$100 nor more than \$5,000 for each violation, and/or revoke respondents certificate of convenience and necessity.

CONCLUSIONS OF LAW

1
2 1. The Respondents are public service corporations within the meaning of Article XV
3 of the Arizona Constitution and is subject to the jurisdiction of the Commission.

4 2. The Commission has jurisdiction over the subject matter of Staff's Complaint and
5 Order to Show Cause.

6 3. Notice of this proceeding has been given in accordance with law.

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ORDER

IT IS THEREFORE ORDERED that Respondents appear before the Arizona Corporation Commission at a time and place designated by the Commission's Hearing Division and show cause why the Commission should not find Respondents in violation and contempt of Arizona Laws and Commission rules, and show cause why the Commission should not assess against Respondents penalties as provided in Arizona Revised Statutes §§ 40-424 and 40-425, and/or cancel the Respondents certificate of convenience and necessity.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, JODI JERICH, Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2015.

JODI JERICH
EXECUTIVE DIRECTOR

DISSENT: _____

DISSENT: _____

1 SERVICE LIST FOR: Various Regulated Utility Companies

2 DOCKET NO. C-00000A-15-0118

3 A. C. Ruebush dba Concho Water Supply	Coronado Water Company
4 c/o Porfie Padilla	3900 East Camelback Road, Suite 106 S
4 PO Box 252	Phoenix, Arizona 85018
5 Concho, Arizona 85924	
6 American Cyber Corporation dba Discount	Crown King Water Company, Inc.
6 Plus	4918 West Park View Lane
7 107 West Michigan, 4 th Floor	Glendale, Arizona 85310
7 Kalamazoo, Michigan 49007	
8 American Technologies, Inc. dba Network	CVC CLEC, LLC
8 Utilization Services	5909 NW Expressway, Suite 101
9 PO Box 990-165	Oklahoma City, Oklahoma 73132
10 Boston, Massachusetts 02199	
11 Anderson Water Company, Inc.	EMC Telecom Corporation
11 PO Box 31087	2533 North Carson Street, Suite 125
12 Tucson, Arizona 85751	Carson, Nevada 89706
13 Bachmann Springs Utility Company	
13 PO Box 9	Go Solo Technologies, Inc.
14 Tombstone, Arizona 85638	5410 Mariner Street, Suite 175
15 Baldwin County Internet/DSSI Service,	Tampa, Florida 33609
15 L.L.C.	
16 1240 Commerce Drive, Suite A	Hillcrest Water Company
16 Gulf Shores, Alabama 36542	915 East Bethany Home Road
17 Beaver Valley Water Company, Inc.	Phoenix, Arizona 85014
17 PO Box 421	
18 Payson, Arizona 85547	Inmate Communications Corporation
19 Bellemont Water Co.	1640 South Sepulveda Boulevard, Suite 207
19 PO Box 31176	Los Angeles, California 90025-7586
20 Flagstaff, Arizona 86003	
21 Chas I. Creed dba Hunt Valley Water	Juniper Wells Water Company
21 Company	300 North Lynx Creek Road
22 303 West Stella Lane	Prescott, Arizona 86306
23 Phoenix, Arizona 85013	
24 Candace Adair dba Adair Communications	Kacy Parker dba Arroyo Water, Co.
24 4218 West Flower Street	1400 North Beeline Highway
25 Phoenix, Arizona 85019-4135	Payson, Arizona 85541
26 Charles Bellows dba J B Payphones	
26 4630 First North Avenue	LDC Enterprises, Inc. dba Full Serv Gas
27 PO Box 573	2100 West Acoma
27 Joseph City, Arizona 86032	Lake Havasu City, Arizona 86403
28 Copper Rim Utility Company, Inc.	
HC 02 Box 1363	LDC Telecommunications, Inc.
Globe, Arizona 85501	2451 McMullen Booth Road, Suite 200
	Clearwater, Florida 33759
	Legacy Long Distance International, Inc.
	c/o Rueben Quinonescastro
	10833 Valley View Street, Suite 150
	Cypress, California 90630
	Mohawk Utility Company
	36140 Antelope Drive
	Wellton, Arizona 85356

1 Morristown Water Company
2 c/o Jim Konin, Acting President
3 PO Box 156
4 Morristown, Arizona 85342

5 OLS, Inc.
6 217 Roswell Street, Suite 100
7 Alpharetta, Georgia 30069

8 Pacific Communications, LLC
9 575 Anton Boulevard, Suite 900
10 Costa Mesa, California 92626

11 Salty Dawg, Inc. dba 5 & Diner
12 4520 North Stone Avenue
13 Tucson, Arizona 85705

14 SNIP Link, LLC
15 100-A Twinbridge Drive
16 Pennsauken, New Jersey 08110

17 Strawberry Water Company
18 HC 1 Box 817
19 Pine, Arizona 85544-9719

20 T.N.C., Inc.
21 5408 North 99th Street, Suite C
22 Omaha, Nebraska 68134

23 TCAST Communications, Inc.
24 24251 Town Center Drive, 2nd Floor
25 Valencia, California 91355

26 Teledata Solutions, Inc.
27 1767 Route 22 West
28 Union, New Jersey 07083

Teletrust, Inc.
419 South Walnut
Sherman, Texas 75090

Tubac Water Company, Inc.
c/o John Crowley
1444 Wazee Street, Suite 350
Denver, Colorado 80202

United American Technology, Inc.
1427 Fretz Drive
Edmond, Oklahoma 73003

Uni-Tel Communications Group, Inc.
PO Box 1000
Naperville, Illinois 60563

William P. Farr dba Salome Water Company
PO Box 550
Salome, Arizona 85348

Willow Lakes Property Owners Association,
Inc.
PO Box 875
Benson, Arizona 85602

Yak America, Inc.
PO Box 414629
Miami Beach, Florida 33141

Mr. Thomas M. Broderick
Director, Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Ms. Janice M. Alward
Chief Counsel, Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Mr. Dwight Nodes
Chief Administrative Law Judge, Hearing
Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007